

REMARKS

Claims 2, 4, 5 and 7-11 are pending. Claims 1, 3, 6 and 12-13 have been cancelled.

Claim 4 has been amended to further define the group X³. The dependency of claims 5 and 8-10 has been amended so that these claims do not depend from cancelled claim 3.

No new matter has been added by way of the above-Amendment.

I. Telephone Message from Examiner

On or about October 16, 2007, the Examiner returned Applicants' representative's voice message regarding the status of claims 2 and 7. In the Examiner's voice message, the Examiner stated that claims 2 and 7 have been allowed.

II. Rejections Under 35 U.S.C. §§ 102(b) and 103(a), Ref. D5

Claims 4, 5 and 8-11 stand rejected under 35 U.S.C. § 102(b) as anticipated, or in the alternative, rejected under 35 U.S.C. § 103(a) as obvious over Janssen et al., EP 0856542 (hereinafter "D5"). Applicants respectfully traverse the rejection.

The Examiner has taken the position that claim 4 is in the form of a product-by-process claim since claim 4 recites the terms "derived from" in line 11. The Examiner has taken the position that if X³ in formula IV of claim 4 is "derived from" a carboxylic anhydride, then the final product multibranched polymer of claim 4 could have an ester functionality at X³. Such a functionality would be expected in the "12 arm star" product described at the top of page 20 of D5.

Applicants have amended claim 4 by deleting the option that X³ is a carboxylic anhydride in order to advance prosecution despite disagreeing with the Examiner's assessment of the reference.

In view of the fact that Janssen et al. fail to teach or fairly suggest the multi-branched polymer comprising a star-shaped structure having three or more polymer chains bound to a central nucleus as defined in any of claims 4, 5 and 8-11, withdrawal of the rejection is respectfully requested.

III. Rejections Under 35 U.S.C. §§ 102(b) and 103(a), Ref. '656

Claims 3, 5 and 8-11 stand rejected under 35 U.S.C. § 102(b) as anticipated, or in the alternative, rejected under 35 U.S.C. § 103(a) as obvious over Katayama et al., JP 1972-18656 (hereinafter “the ‘656 reference”). Applicants respectfully traverse the rejection.

Without agreeing with the Examiner's assessment of the '656 reference, Applicants have cancelled claim 3 thereby rendering this rejection moot in order to advance prosecution.

IV. Information Disclosure Statements (IDS)

There are multiple IDS's which have been timely filed but Applicants have yet to receive signed PTO/SB/08 forms. An IDS was filed on each of the following dates:

- A) February 20, 2007
- B) July 13, 2007
- C) September 12, 2007
- D) November 29, 2007.

It is noted from PAIR that 3 of the 4 IDS's have been imaged and should be available for the Examiner's consideration. However, the July 13, 2007 IDS does not seem to be present in PAIR. As such, Applicants enclose herewith a copy of the July 13, 2007 IDS along with a stamped postcard receipt. The Examiner is respectfully requested to sign and date all of the PTO/SB/08 forms for the above-mentioned four IDS's.

In view of the above Amendment, Applicants believe the pending application is in condition for allowance.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 17, 2007

Respectfully submitted,

By Garth M. Dahlen #43575
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Attached: July 13, 2007 IDS, 5 cited references and a stamped postcard receipt